



REC'D 8/24

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

August 23, 2017

REPLY TO THE ATTENTION OF:

VIA FED EX

SE-5J

E. Scott Santi, President
Illinois Tool Works, Inc.
155 Harlem Avenue
Glenview, Illinois 60025

Re: Request for Information Pursuant to Section 104(e) of CERCLA
AA Oil Site
2340 South Tibbs Avenue, Indianapolis, Indiana
Site Spill Identification Number: C54L

Dear Mr. Santi:

This letter seeks your cooperation in providing information and documents relating to the contamination at the AA Oil Site (Site) located at 2340 South Tibbs Avenue, Indianapolis, Indiana. The Site was a waste oil storage facility operated by Cam-Or Inc. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, commonly known as "CERCLA," gives the U.S. Environmental Protection Agency the authority to, among other things: (a) assess contaminated sites; (b) determine the threats to human health and the environment posed by each site; and (c) clean up those sites in the order of the relative threats posed by each.

EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. Ultimately, EPA, or by agreement, responsible parties, will study the effects of these substances on the environment and public health and implement required response actions as appropriate. EPA believes that you might have information which may assist the Agency in its investigation of the Site.

EPA encourages you to give this matter your immediate attention and requests that you provide a complete and truthful response to this Information Request and its enclosed questions (Enclosure C). **EPA requires that you provide the information requested within twenty-one (21) calendar days of your receipt of this letter.**

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), EPA has broad information gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. Enclosure A is a Site History and the Agency's activities at the Site. Instructions to guide you in the preparation of your response are in Enclosure B. Definitions of the terms used in this Information Request and in the Questions are set forth in Enclosure C. Enclosure D contains the specific Information Request questions that EPA is requesting you to answer.

You may consider some of the information EPA is requesting to be company confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure E, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 *et seq.*


We encourage you to give this matter its immediate attention and respond within twenty-one (21) days, your response to this Information Request should be mailed to:

Fouad Dababneh, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division – Emergency Response Branch #2
Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Jason Sewell, On-Scene

Coordinator, at sewell.jason@epa.gov. If you have any legal questions, please contact Matthew Moore, Assistant Regional Counsel, at (312) 353-5624, or moore.johnm@epa.gov. If you have specific questions about the Information Request, please contact Fouad Dababneh, Enforcement Specialist at (312) 353-3944 or dababneh.fouad@epa.gov.

Sincerely,


for Jason El-Zein, Chief
Emergency Response Branch 2

Enclosures:

- A. Site History
- B. Instructions
- C. Definitions
- D. Questions
- E. Confidential Business Information
- F. Declaration

Enclosure A

SITE HISTORY

The Site is located at 2340 South Tibbs Avenue in Indianapolis, Marion County, Indiana. The Site is located in a mixed commercial, residential, and industrial area. It was operated as a waste oil storage facility by Cam-Or, Inc., through its subsidiary, A.A. Oil Co., from the 1950's until the late 1980's, when Cam-Or, Inc. declared bankruptcy. Approximately 40 aboveground storage tanks (ASTs) were known to be in service during peak operations. IDEM files indicated that much of the waste oil accepted at the Site came from crankcases, which could result in heavy metal contamination. There were also allegations of PCB-contaminated waste being disposed on-site in lagoons. After Cam-Or declared bankruptcy in 1987, the property was purchased in 1990 by Douglas Allison and operated as the Indy Investment Co. In 1993, the Site was occupied by PWI Environmental, an emergency response cleanup contractor. The property was ultimately abandoned. Of the six remaining ASTs on-site, only four appear usable. The Site building is in poor condition, with no floor and large portions of the roof missing.

The Site is located above the White River outwash aquifer, the major source of groundwater in the Indianapolis area. IDEM conducted a Brownfields Environmental Assessment from 2002 through 2004 and issued a report that documents the presence of soil and groundwater contamination above state screening levels. The contaminants of concern included lead, N-nitroso-di-n-propylamine, pentachlorophenol, trichloroethylene (TCE), 1,1-dichloroethene (DCE), cis-1,2-DCE, tetrachloroethene (PCE), vinyl chloride, 1,1,2-trichloroethane, aldrin, alpha-BHC, heptachlor epoxide, dieldrin, and Aroclor-1248.

EPA performed a field investigation at the Site from July 13, 2016, through September 2, 2016, which included a surface geophysical survey, collection of surface and subsurface soil samples, field screening of soils, collection of groundwater samples, collection of soil gas samples, sampling of existing ASTs, collection of surface water samples, and collection of a sediment sample. Hazardous material was found to be present in two of the ASTs at the Site along with contamination above EPA Removal Management Levels and/or Vapor Intrusion Screening Levels in soil, groundwater, sediment, surface water, and soil gas at the Site.

Enclosure B

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Information Request and copies of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Any documents you determine to be Confidential Business Information (CBI) must be segregated out and submitted in a separate folder or on a separate compact disc (CD). These documents must be clearly marked as "Confidential Business Information."

If providing your response electronically, it must be submitted on a CD in Portable Document Format (PDF) and comply with the following requirements:

- (a) CBI and personally identifiable information (PII) should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is handled appropriately;
 - (b) All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy;
 - (c) Electronic PDF files must be text-searchable; and
 - (d) The document index must clearly identify any single electronic document that has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliant with this Information Request.
 5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.

6. **Confidential Information.** You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret,” “proprietary” or “company confidential.” Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice to you.

You should also provide a redacted version of the same document that removes all CBI and PII from the document. This redacted version of the document should remove all information that you claim is CBI or PII. Since all the CBI and PII information is removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. The EPA may make this redacted version available to the public without further notice to you.

7. **Disclosure to EPA Contractor.** Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure by no later than the time you submit your response.
8. **Personal Privacy Information.** Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as “Personal Privacy Information.” You should note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you.
9. **Objections.** While you may object to certain questions in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.
10. **Privilege.** If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists (see Definitions) for the entire document, identify the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document that are responsive to the Information Request must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration, Enclosure F, in hard copy with an original signature, certifying the accuracy of all statements in your response.

Enclosure C

DEFINITIONS

Terms not defined here shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions apply to the following words as they appear in this Information Request:

1. The term “you” or “Respondent” means Illinois Tool Works, Inc., together with your agents, employees, and contractors.
2. The term “document” and “documents” means any method of recording, storing or transmitting information. “Document” includes, but is not limited to:
 - (a) writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests; and
 - vi. copies of any document;
 - (b) any film, photograph, or sound recording on any type of device;
 - (c) any blueprints or drawings; and
 - (d) attachments to, or enclosures with, any document.
3. The term “identify” means, with respect to a natural person, to set forth: (a) the person’s full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position or business.
4. The term “identify” means, with respect to a corporation, partnership, business trust or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term “identify” means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.

6. The term “material” or “materials” means any and all raw materials, commercial products, wastes, chemicals, substances or matter of any kind.
7. Unless otherwise specified the “period being investigated” and “the relevant time period” mean January 1, 1950, to January 1, 1990.
8. The term “property” means any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental and mineral rights.
9. The “Site” or “AA Oil Site” means any or all property or area used for the disposal of drummed wastes and bulk liquid wastes from approximately January 1, 1950, to approximately January 1, 1990. The Site is located at 2340 South Tibbs Avenue, Marion County, Indianapolis, Indiana.
10. The term “waste” or “wastes” include, but are not limited to, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants, or contaminants, whether solid, liquid, or sludge.
11. The term “business activities” means all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, waste disposal, and sales.

Enclosure D

QUESTIONS

1. State the full legal name, address, telephone number, position(s) held by, and tenure of the individual(s) answering any of the questions below on behalf of Illinois Tool Works, Inc. (the Company).
2. Identify all documents consulted, examined or referred to in the preparation of the answers to the questions of this Information Request and provide copies of all such documents.
3. Identify the Company's policy with respect to document retention.
4. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question of this Information Request or who may be able to provide additional responsive documents, identify such persons.
5. Explain the Company's present operational status. For example, an operational status may be active, suspended, defunct, merged, or dissolved.
6. Provide the date the Company was incorporated, formed, or organized. Identify the state in which the Company was incorporated, formed, or organized.
7. Identify the business structure, for example, sole proprietorship, general partnership, limited partnership, joint venture, or corporation, under which the Company currently exists or operates and identify all former business structures under which it existed or operated since its inception.
8. Describe the nature of your business. In addition:
 - a. Describe the raw materials and the manufacturing processes utilized by your company and the products of your manufacturing process.
 - b. If the nature of your business has changed significantly since 1980, please describe the nature of your business presently and prior to 1980.
9. Provide the dates that the Company, under any of its current or former business structures, generated or arranged for the transportation of waste to the Site.
10. Provide a complete list of employees who had knowledge of the generation, transport and disposal of wastes at the Site during any or all of the period of time that the Company generated or arranged for the transportation of waste for disposal at the Site. For each employee listed, provide the following information:
 - a. The employee's full name;

- b. The employee's current, or last known address and telephone number, including the last known date on which you believe each address, and telephone number was current;
 - c. The dates that the employee worked with the Site;
 - d. The position(s) the employee held under any of the Company's business structures; and
 - e. The employee's job title(s) and the corresponding dates during which the Company believes that the employee would have had knowledge of the use and disposal of wastes.
- 11. Provide a list of all materials transported or disposed of at the Site, identifying the chemical composition, quantities, and a description of the process by which the material was generated.
- 12. If the Company transported oil to the Site, respond to the following requests:
 - a. Identify the type(s) of oil(s) transported to the Site.
 - b. Identify any additives used in the oil(s) transported to the Site
 - c. Describe the process by which used or waste oil was generated by Respondent and describe the constituents of such used or waste oil. Provide all documents evidencing the constituents of such used or waste oil.
- 13. Identify and provide the information below for all hazardous wastes that were transported to the Site since the beginning of the Company's involvement at the Site:
 - a. The trade or brand name, chemical composition, and quantity used for each substance and the Material Safety Data Sheet or Safety Data Sheets for each product;
 - b. Describe the waste streams generated by operations and equipment with respect to the substances;
 - c. State the volume and frequency of the transport and disposal of the waste materials to the Site; and
 - d. Provide copies of all analyses for substances containing hazardous materials performed on the materials prior to disposal at the Site.
- 14. List and provide copies of all federal, state, county, city, and all other local permits, licenses, and/or registrations and their respective permit numbers issued concerning your operations and the storage, use, and discharge of substances, including but not limited to permits, and

correspondence related to Publicly Owned Treatment Works (POTW), Marion County permits and licenses, and IDEM permits and licenses. Your response must include all compliance testing results for all waste streams generated in your operations.

15. State whether the Company has or had a permit or permits issued under the Resource Conservation and Recovery Act (RCRA). If the answer is "yes," identify all such permits, including but not limited to the dates of issuance and a general description of the process permitted. Provide copies of all such permits.
16. Provide copies of all correspondence between Illinois Tool Works, Inc. and the Site owners and operators, regarding materials that came to be located at the Site. Include copies of all contracts, agreements, receipts, invoices or other correspondence related to the transfer of materials to the Site.

Enclosure E

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that EPA is requesting. You cannot withhold information or records upon that basis. The regulations at 40 C.F.R. Part 2, Section 200, *et seq.*, require that EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 *Federal Register* 36902, *et seq.* (September 1, 1976); 43 *Federal Register* 4000, *et seq.* (December 18, 1985)). If no such claim accompanies the information when EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish EPA to treat the information or record as confidential, you must advise EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope confidential and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency considers the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether EPA or another federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of EPA to obtain similar information in the future; and
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(c). If you do not identify this information and documents as “confidential” your comments will be available to the public without further notice to you.

Enclosure F

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2017.

Signature

Type or Print Name

Title

bcc: Matthew Moore, ORC (C-14J)
Jason Sewell, OSC (ERL)
Fouad Dababneh, ERB 2 (SE-5J)
Carolyn Bohlen, ERB 2 (SE-5J)
John Maritote, ERS 4 (SE-5J)
Records Center (SRC-7J)